

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.651 OF 2002

Yaturi Constructions Limited and another

.. Applicants

v/s.

State of Maharashtra

.. Respondent

Mr. A.S. Shitole , APP for the State.

CORAM : B.H. MARLAPALLE, J.

DATED : 29TH AUGUST, 2007

P.C.

This is an application filed under section 407 of the Criminal Procedure Code praying for transfer of C.C. No. 3018 of 2000 presently pending before the Judicial Magistrate, First Class at Pune to the Court of Metropolitan Magistrate at Mumbai or to the Court of Judicial Magistrate, First Class at Thane for its trial.

2. The said complaint is in respect of the dishonour of cheque dated 5.4.2000 in the sum of Rs.90,000/- which was drawn on the Development Credit Bank Ltd., Thane. While issuing notice, this court by its order dated 4.3.2002, granted relief in terms of prayer clause (c) and this order has not been renewed thereafter at any time. On this ground itself, this application has become infructuous as of now. Even otherwise, on merits, it is stated that the complainant as well as the accused are residents of Hyderabad and the purpose of filing the complaint at Pune is obviously to harass the accused so that they would succumb to the illegal demands of the complainant. It is also stated that identical criminal cases have been filed against the petitioners i.e. one at village Wada, District Thane, 10 complaints at Thane and one at Pune and in all the

complaints, the complainants are permanent residents of Thane. Exhibit `A' is the copy of the complaint registered at [C.C.No.3018](#) of 2000 before the learned Judicial Magistrate, First Class, Pune at Pune is brought on record and the address of the complainant is stated to be at Pune. It is stated that it is impossible for them to reach the said secluded place having no transport facilities whatsoever and reaching there causes great inconvenience and harassment to the petitioners and other accused in the pending case. Further, despite best of intentions to attend the court at Pune, it is not possible for the petitioners to reach there in time. This argument can not find force and it cannot be believed that Pune City is not connected with adequate transport facilities either by road or by train from Hyderabad. In addition, the petitioners have not furnished the numbers of the criminal complaints pending before the courts at Thane or in Thane District.

3. Hence, I do not find any case made out for transferring the pending complaint before the Court of Judicial Magistrate, First Class, Pune to the competent court at Mumbai or Thane. The application is rejected.

(B.H. MARLAPALLE, J.)